

Exhibit B

From: Sullivan, John <JSullivan@winston.com>
Sent: Monday, November 9, 2020 4:50 PM
To: Nick Shodrok; Trey Duck; Cody Hill
Cc: Eric Findlay; Brian Craft; Christopher M. Farella; George B. Breen; Erica Sibley Bahnsen; Melsheimer, Tom; Wolens, Alex; Walker, Chad; Schmidt, Grant; Underwood, Travis; Bittner, Michael; Johnson, Brett; Hinton, Paula; Grant, Robine
Subject: RE: USA, et al v. Team Health Holdings Inc., et al

Counsel,

Defendants have reviewed each of the documents identified in Relators' Exhibit A. After this review, Defendants agree to waive the confidentiality designations of the following documents or portions of documents, as specified below:

- Exhibit 10 to the Deposition of Christa Cortez;
- Exhibit 95 to the Deposition of Dr. Frantz **except** the specific dollar amounts and terms;
- Exhibit 109 to the Deposition of Kim Do – **only the following pages:** TH-EDTX-00001103 through TH-EDTX-00001110
- TH-EDTX-00040774
- TH-EDTX-00060217 – **except for the name of the hospital**

Defendants fully reserve all other rights with respect to the above-listed documents, including any objections. With respect to the remainder of the documents in Relators' Exhibit A, and the non-waived portions of the documents listed above, Defendants do not agree with Relators' position that these materials are not "Confidential" under the Protective Order.

Regards,

John

John T. Sullivan

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**WINSTON
& STRAWN**
LLP

From: Nick Shodrok <nshodrok@nixlaw.com>
Sent: Wednesday, November 4, 2020 11:28 AM
To: Sullivan, John <JSullivan@winston.com>; Eric Findlay <efindlay@findlaycraft.com>; EXT- BCraft@FindlayCraft.com <BCraft@findlaycraft.com>; Christopher M. Farella <CFarella@ebglaw.com>; George B. Breen <GBreen@ebglaw.com>; Erica Sibley Bahnsen <ESibley@ebglaw.com>; Melsheimer, Tom <TMelsheimer@winston.com>; Wolens, Alex <AWolens@winston.com>; Walker, Chad <CBWalker@winston.com>; Schmidt, Grant <GSchmidt@winston.com>;

Underwood, Travis <TUnderwood@winston.com>; Bittner, Michael <MBittner@winston.com>; Johnson, Brett <MBJohnson@winston.com>; Hinton, Paula <PHinton@winston.com>; Grant, Robine <RGrant@winston.com>
Cc: Trey Duck <tduck@nixlaw.com>; Cody Hill <codyhill@nixlaw.com>
Subject: Re: USA, et al v. Team Health Holdings Inc., et al

John,

Thanks. We look forward to Defendants' response.

Nick Shodrok



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From: "Sullivan, John" <JSullivan@winston.com>

Date: Tuesday, November 3, 2020 at 1:41 PM

To: Nick Shodrok <nshodrok@nixlaw.com>, Eric Findlay <efindlay@findlaycraft.com>, "EXT-BCraft@FindlayCraft.com" <BCraft@findlaycraft.com>, "Christopher M. Farella" <CFarella@ebglaw.com>, "George B. Breen" <GBreen@ebglaw.com>, Erica Sibley Bahnsen <ESibley@ebglaw.com>, "Melsheimer, Tom" <TMelsheimer@winston.com>, "Wolens, Alex" <AWolens@winston.com>, "Walker, Chad" <CBWalker@winston.com>, "Schmidt, Grant" <GSchmidt@winston.com>, "Underwood, Travis" <TUnderwood@winston.com>, "Bittner, Michael" <MBittner@winston.com>, "Johnson, Brett" <MBJohnson@winston.com>, "Hinton, Paula" <PHinton@winston.com>, "Grant, Robine" <RGrant@winston.com>

Cc: Trey Duck <tduck@nixlaw.com>, Cody Hill <codyhill@nixlaw.com>

Subject: RE: USA, et al v. Team Health Holdings Inc., et al

Nick,

Thank you for your e-mail. We are in the process of reviewing the challenged materials in your Exhibit A, but your deadline of less than 48 hours is not sufficient time for us to review the large number of documents identified and determine Defendants' position. There may be documents for which we can reach agreement, but Defendants need time to conduct a meaningful review, and will let you know our position as to each document by COB Monday, November 9th, at which time we can determine whether or not the parties can reach an agreement as to the confidential nature of any challenged document or portion of any challenged document.

Accordingly, until that time, Relators do not have Defendants' permission or consent to certify to the Court that the parties cannot reach an agreement (pursuant to Dkt. No. 69).

Regards,

John

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From: Nick Shodrok <nshodrok@nixlaw.com>

Sent: Monday, November 2, 2020 9:49 AM

To: Eric Findlay <efindlay@findlaycraft.com>; EXT- BCraft@FindlayCraft.com <BCraft@findlaycraft.com>; Christopher M. Farella <CFarella@ebglaw.com>; George B. Breen <GBreen@ebglaw.com>; Erica Sibley Bahnsen <ESibley@ebglaw.com>; Melsheimer, Tom <TMelsheimer@winston.com>; Wolens, Alex <AWolens@winston.com>; Walker, Chad <CBWalker@winston.com>; Schmidt, Grant <GSchmidt@winston.com>; Underwood, Travis <TUnderwood@winston.com>; Sullivan, John <JSullivan@winston.com>; Bittner, Michael <MBittner@winston.com>; Johnson, Brett <MBJohnson@winston.com>; Hinton, Paula <PHinton@winston.com>; Grant, Robine <RGrant@winston.com>

Cc: Trey Duck <tduck@nixlaw.com>; Cody Hill <codyhill@nixlaw.com>

Subject: USA, et al v. Team Health Holdings Inc., et al

Counsel,

Pursuant to the Court's Protective Order (Dkt. No. 69), Relators hereby challenge Defendants' "Confidential" designations of the materials identified in Exhibit A, attached hereto. Such materials do not contain confidential proprietary and business information and/or trade secrets and are otherwise not "Confidential." Instead, Defendants have continually abused the Court's Protective Order by improperly designating as "Confidential" all documents produced in this case *en masse*.

Further, Relators intend to use the documents identified in Exhibit A at trial. Because there is a "strong presumption in favor of public access to judicial proceedings," such documents should not be shielded from the public eye unless they contain protected health information under HIPAA—in which case redactions may be appropriate. See Judge Gilstrap's Standing Order Regarding Protection of Proprietary and/or Confidential Information to be Presented to the Court During Motion and Trial Practice.

Please advise whether Defendants agree to waive the confidential treatment afforded to the materials identified in Exhibit A **by 7:00 pm CST on Tuesday, November 3**. If Relators receive no response from Defendants by then, Relators will assume that Defendants do not agree with Relators' position that these materials are not "Confidential" under the Protective Order.

Relators fully reserve their rights under the Protective Order to challenge additional documents or deposition transcripts designated by Defendants as "Confidential."

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